**Court No.1**

Civil Misc. Writ Petition No. 62 of 2000
U.P. Forest Corporation & others
…….. Petitioner.

Versus

District Judge, Udham Singh Nagar
and two others. …… Respondents.

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**Hon. P.C. Verma, J.**

This writ petition has been filed by the petitioner challenging the order passed by the District Judge, Udham Singh Nagar in civil misc. appeal No. 116 of 2000 against the order passed by the trial court in civil suit No. 104 of 2000 on the application of the plaintiff respondent under Order 39 Rules 1 and 2. An interim order was passed by this court in the writ petition. The matter was taken upto the Hon'ble Supreme Court and the Hon'ble Supreme Court has finally disposed of the matter. The order of Hon'ble Supreme Court is as under.

"Exemption from filling O.T. is allowed.

Heard learned counsel for the parties.

Considering the facts and circumstances of the case, respondent, U.P. Forest Corporation is permitted to harvest the standing crop in the presence of petitioner, Collector Udham Singh Nagar or the representative of the collector and keep it in safe place till the matter is decided by the High Court. High Court is request to passed appropriate orders on the pending matter as early as possible. With this direction, the special leave petition stands disposed of accordingly."

The above quoted order was passed by the apex court to decide the application under Order 39 Rules 1 and 2 relating to the crop, therefore, nothing is left to be decided by this court. Since it is disputed question of fact that which of the party had sown the crop and cannot be

decided under Article 226 and 227 of the Constitution of India. Therefore, I direct the trial court to deice the following issues.

a) Whether the land was leased out for two crops or single crop.

b) Whether the crop which has been harvested in terms of the above order of the Hon'ble Supreme Court was sown by the plaintiff or the defendant.

The trial court is directed to decide the suit within a period of one month from the date of production of a certified copy of this order.

With the aforesaid directions, the writ petition is disposed of finally.

**(P.C. Verma, J.)**

**R.P. Singh**
**14.5.2001**